

March 3, 2004

Assistant Commissioner of Patents
Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Advertisement distribution method, data processing method, communication terminal apparatus, data communication system and information storage medium

US File # 20020046115 Filed: September 6, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020046115**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent application describes at great length an advertising delivery system using a database containing advertisements maintained at the client level in cache or on disk (0010) in a client-server ad delivery system.(0011) This patent relates to displaying advertising by matching voluntary user action such as using voluntary user actions (0038). Comparing a trigger event with information stored in an advertisement "condition" database causes a relevant advertisement to be displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user or software under the control of a user interacts with a pre-established database and a targeted ad is displayed. (Claim 3)

The abstract reads in part, "An intermediary agency enters into a contract with general users with respect to data distribution of an advertisement of goods, which was asked by advertisement clients, and the intermediary agency sets offer conditions of the advertisement of the goods and advertisement data in communication terminal apparatuses 14 of the general users. Since the advertisement data are offered in accordance with the offer conditions when the general users use these communication terminal apparatuses 14, the advertisement of the goods is offered to a number of general users as data with good efficiency."

Relevant Claims are 1, 2, 4, 11 and others in which the inventor refers to triggering and displaying ads stored at the client level. Descriptive paragraphs are (0010) (0012) (0038) (0063) (0072) and others.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that prior art submitted does not include references to systems that were commercially offered in 2001. The filers are correct that a targeted system based on interactive actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... equivalent technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998
3. WO9955066 (A1) or EP1076983 (A1) ... equivalent technology

There may be more prior art preceding the 9/6/2001 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.

The screenshot shows a web browser window with the following details:

- Address Bar:** https://www.espacenet.com/textdoc?IA=Zmekta&I=&FIRST=1&C=opt&L=en&DB=EPDOC1st&kw=Zmekta&Submit=Search
- Page Title:** esp@enet document view
- Header:** European Patent Office, esp@enet
- Left Sidebar:** Includes links for "Advanced Search", "Number Search", "Last Results", "My patents list", and "Classification Search".
- Content Area:**
 - Section:** TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD (CA2328913)
 - Bibliographic info:** Patent number: CA2328913, Publication date: 10/05/2001, Inventor: ZETMEIR KARL D (US), Applicant: ZETMEIR KARL D (US), Classification: **International:** G06Q 10/00, **European:** G06Q 10/00, Application number: CA10502225013, Priority number(s): US10502225011 (0500-117, WD10500US09102-10026414)
 - Abstract:** A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer. It is disclosed that the call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.
 - Right Sidebar:** Includes a "Also published as" section with links to WO9955066 (A1) and EP1076983 (A1).



